

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

Docket No. 05-CV-10464PBS

TIMOTHY M. BROWDER,
Plaintiff

v.

NATIONAL FINANCIAL SYSTEMS,
INC.,
Defendant

PARTIES' JOINT MOTION TO EXTEND CLASS AND FACT DISCOVERY

Defendant National Financial Systems, Inc. ("NFS") and Plaintiff Timothy M. Browder ("Mr. Browder") move this Court for an extension of the class and fact discovery deadline to February 15, 2006. In support thereof, the parties state as follows:

1. In this case, Mr. Browder alleges that NFS violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.* and Mass. G.L. ch. 93A when NFS sent a letter containing language that Mr. Browder alleges is deceptive, false, and misleading. Mr. Browder seeks to represent a class of Massachusetts residents who received a letter from NFS containing the language Mr. Browder alleges is deceptive, false, and misleading.

2. Pursuant to this Court's June 15, 2005 Scheduling Order, Class and Fact discovery in this case is currently set to close on December 15, 2005. (Exh. A).

3. Since this Court's entry of the Scheduling Order, the parties have engaged in significant discovery, including the submission of document requests, interrogatories and deposition notices. Mr. Browder will soon be responding to NFS' First Set of Document Requests and First Set of Interrogatories. NFS has responded to Mr. Browder's First Set of Requests for Admissions, First Set of Interrogatories, and First Requests for Production of Documents.

4. In addition, the parties have been engaged in settlement negotiations. On December 2, 2005, the parties participated in the Court ordered mediation program. During this time, the parties believed that a negotiated settlement of this matter was a substantial possibility

and accordingly desired to limit the cost of discovery pending the outcome of the mediation hearing.

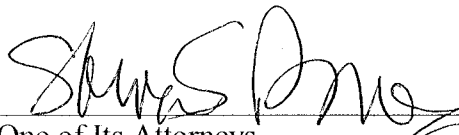
5. The parties jointly request an extension of class and fact discovery to February 15, 2006. This will allow the parties the opportunity to complete written discovery and depositions.

6. Extending the fact and class discovery cut off dates should not interfere with the deadlines that this Court set for the filing of dispositive motions in its Scheduling Order.

WHEREFORE, Defendant National Financial Systems, Inc. and Plaintiff Timothy M. Browder respectfully request that this Court extend the class and fact discovery deadline in this matter to February 15, 2006.

Respectfully submitted,

NATIONAL FINANCIAL SYSTEMS INC.

By: 
One of Its Attorneys

Steven S. Broadley, BBO #542305
Posternak Blankstein & Lund, LLP
Prudential Tower
800 Boylston Street, 32nd Floor
Boston, MA 02199-8004
617-973-6100

Pro Hac Vice

Albert E. Fowerbaugh, Jr. (6201219)
Michael G. Salemi (6279741)
Lord Bissell & Brook LLP
115 South La Salle Street
Chicago, IL 60603
Tel.: (312) 443-0323 (M. Salemi)
Fax: (312) 896-6323 (M. Salemi)

TIMOTHY M. BROWDER

By: s/ Francis R. Greene
One of His Attorneys

Christopher M. Lefebvre, Esquire
Law Offices Of Claude Lefebvre & Sons
Two Dexter Street
Pawtucket, RI 02860

Pro Hac Vice

Daniel A. Edelman, Esquire
Francis R. Greene, Esquire
Edelman, Combs, Lattuner & Goodwin, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603-3403

CERTIFICATE OF SERVICE

I, Steven S. Broadley, Esquire of Posternak, Blankstein & Lund, LLP, hereby certify that on this 14th day of December, 2005, I caused a copy of the above **Parties Joint Motion to Extend Class and Fact Discovery** to be mailed to:

Daniel A. Edelman, Esquire
Francis R. Greene, Esquire
Edelman, Combs, Lattuner & Goodwin, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603-3403

Christopher M. Lefebvre, Esquire
Law Offices of Claude Lefebvre & Sons
Two Dexter Street
Pawtucket, RI 02860

A handwritten signature in black ink, appearing to read "Steve Broadley", is written over a horizontal line.

Steven S. Broadley

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

Docket No. 05-CV-10464PBS

TIMOTHY M. BROWDER,
Plaintiff

v.

NATIONAL FINANCIAL SYSTEMS,
INC.,
Defendant

AGREED ORDER

This cause coming on to be heard on the Parties' Joint Motion to Extend Class and Fact Discovery, due notice having been given, the parties being in agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that class and fact discovery shall be extended to and including February 15, 2006.

SO ENTERED:

_____, J

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Timothy Browder
Plaintiff,

V.

National Financial Systems, Inc.
Defendant.

Civil Action Number
05-10464-PBS-PBS

June 15, 2005

SCHEDULING ORDER

Saris, D.J.,

Class and Fact Discovery deadline: 12/15/05

Plaintiff's expert designation deadline: 1/15/06

Defendant's expert designation deadline: 2/15/06

Expert discovery deadline: 3/15/06

Class Certification Motion filing deadline: 1/22/06

Hearing on Class Certification: 3/8/06 at 2:00 p.m.

Summary Judgment Motion filing deadline: 4/15/06

Opposition to Summary Judgment Motions: 4/30/06

Hearing on Summary Judgment or Pretrial Conference: 5/10/06 at 2:00 p.m.

Case to be referred to Mediation program: Winter, 2005

By the Court,

/s/ Robert C. Alba
Deputy Clerk

Exh. A